THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26073 of 2006

Dated: 15-12-2006

Between:

S. Narasimha.

..... PETITIONER

AND

The Mandal Revenue Officer, Ranga Reddy District.

.....RESPONDENT

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.26073 of 2006

ORDER:

The petitioner is allegedly owner of land admeasuring Acs.2.08 guntas in survey No.20/2 situated at Khajaguda Village of Serilingampally Mandal in Ranga Reddy District. He statedly purchased said land under registered sale deed dated 09.09.1982 and is in enjoyment of the same. In November, 2000, he also approached the Mandal Revenue Officer (MRO), respondent, and obtained pattadar passbooks/title deeds. The respondent, however, initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, (the Act, for brevity). The petitioner sent explanation on 20.03.2006, but no order was allegedly passed. In the meanwhile when there was threat of dispossession, he filed W.P.No.6142 of 2006 seeking a direction to the respondent not to interfere with his possession. The same was disposed of by this Court on 28.03.2006 observing that the explanation submitted by the petitioner was under consideration of the respondent. The petitioner alleges that the respondent did not pass any orders, but a news item appeared in the newspaper dated 07.12.2006 to the effect that the respondent resumed/took possession of the lands in Khajaguda including the land in survey No.20/2. Thereafter, when an attempt was made by the respondent to take possession of the land, the petitioner filed instant writ petition seeking a writ of Mandamus declaring the action of the respondent in trying to dispossess him as illegal and arbitrary.

When the matter was initially heard in the forenoon, the learned Assistant Government Pleader for Revenue (Assignment) was directed to get instructions as to whether the respondent passed any orders under Section 4 of the Act. When the matter was called in the afternoon, the learned Assistant Government Pleader has placed before this Court the order/proceedings vide Proc.No.B/720/2005 dated 05.05.2006 passed by the respondent ordering resumption of the land for alleged contravention of Section 3(2) of the Act. A copy thereof is also furnished to the learned counsel for the petitioner.

After perusing the order/proceedings dated 05.05.2006 passed by the respondent, it must be observed that in the address entry, the correct address of the petitioner is not given though full particulars of the address are mentioned in the show-cause notice dated 15.02.2006 issued to the petitioner. Further there is no serious dispute or denial by

the learned Assistant Government Pleader that the copy of the order/proceedings dated 05.05.2006 is not served on the petitioner. Be that as it is, now that a copy of resumption is issued to the petitioner's counsel, the petitioner may file an appeal before the jurisdictional Revenue Divisional Officer under Section 4-A of the Act within a period of two weeks from the date of receipt of a copy of this order. As and when such appeal is filed, the appellate authority may conduct personal inspection of the land, give an opportunity of being heard to the petitioner and pass appropriate orders within a period of eight weeks from the date of filing of the appeal by the petitioner. In the meanwhile there shall be *status quo* as on today and the petitioner and the respondent shall not change the land use or alienate/transfer the land in favour of third parties.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

15th December, 2006

Note: Issue CC by 18.12.2006

B/o

ghn